

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALVIN CARLISLE,

No. C 05-4370 MMC

Plaintiff,

**ORDER DISMISSING ACTION**

v.

DONALD RUMSFELD,

Defendant

By order filed April 13, 2006, the Court ordered plaintiff to serve defendant with the summons and complaint no later than July 31, 2006, and to file proof of such service with the Clerk of the Court no later than August 4, 2006. The Court cautioned plaintiff that if he failed to timely serve defendant or timely file proof of service, the action would be dismissed without prejudice, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

To date, plaintiff has not filed proof of service.

Accordingly, for the reasons set forth in the Court's order of April 13, 2006, plaintiff's complaint is hereby **DISMISSED** without prejudice pursuant to Rule 4(m).

The Case Management Conference scheduled for August 18, 2006 is **VACATED**.

**IT IS SO ORDERED.**

Dated: August 11, 2006

  
MAXINE M. CHESNEY  
United States District Judge